Remarks

Claims 1-20 are pending in the application. Claims 1-20 are rejected. Claims 1-5, 9-15, and 19-20 are amended herein. Claims 16-18 are cancelled. All rejections are respectfully traversed. The claims are presented above for convenience. No claims are amended.

Claims 16-18 are cancelled without prejudice or disclaimer. Claims 1-5, 9-15 and 19-20 are amended to more distinctly claim the invention.

Claims 1-3, 5-13 and 16-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Berson, et al., (U.S. 6,938,154 – "Berson").

Claim 1 recites a method of securing a network interface device installed on a host. The method includes initializing the network interface device without transmit functions; receiving notification that the host has been authenticated; and in response to receiving notification that the host on which the network interface is installed has been authenticated, enabling transmit functions of the network interface device.

In contrast, Berson is silent as to a network interface device installed on a host. Berson is directed entirely to the operation of a network device (host) that has other network devices authenticated to it. Figure 3 is referenced by the Examiner as teaching what is claimed. As discussed in more detail below, Berson never describes securing a network interface device installed on a host, as claimed.

The description of Figure 3 at col. 4, line 26-col. 5, line 3 describes a process whereby some network user, e.g., a network device other than the host, is authenticated to the host, see col. 4, lines 26-49, below:

FIG. 3 illustrates a process 300 for secure operation of a network device, such as a printer, a copier, a scanner, or a facsimile machine, for example. In operation 302, a digital certificate is assigned to a network user, which can be a
30 person, another network device, a remote device, or anything else capable of sending information to the network device. The digital certificate is associated with a command for operation of a network device in operation 304. The command and the digital certificate are received from the
35 network user in operation 306.
In operation 308 of FIG. 3, it is determined whether any usage policy applies to the user or to the network device. If one or more usage policies apply, they are applied in operation 310 and the process continues. If no usage policy
40 applies, the process continues.
In operation 312, a determination is made as to whether authentication of the network device is required. If so, in operation 314, a second cryptographic key is used to authenticate a digital certificate of the network device. In operation
45 316, a cryptographic key stored in the network device is utilized to authenticate the digital certificate of the network user. Operation of the network device is enabled in operation 318 if the digital certificate of the network user is authenticated.

Claimed is securing a network interface device installed on a host. Berson never describes securing a network interface device at all. MPEP 2131 explicitly states that in order to anticipate a claim "each and every element as set forth in the claims" must be found in the prior art reference." The identical invention must be shown in as complete detail as is contained in the ... claim." Berson fails to teach initializing the network interface device without transmit (claim1) functions or receive functions (claim 19). Further, Berson authenticates some other network device to a host, such as the example of a printer, copier, scanner or facsimile machine described at col. 4, lines 26-28. In contrast, the invention initializes the network interface device without transmit functions until it receives a notification that the host
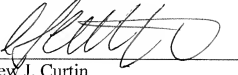
on which it is installed has been authenticated. Therefore, Berson can never anticipate what is claimed in Independent claims 1, 10, and 19. The Examiner is respectfully requested to reconsider and withdraw the rejections based on Berson.

The dependent claims inherit the limitations of the Independent claims and therefore are patentable over the Berson reference for at least the reasons asserted above.

It is believed that this application is now in condition for allowance. A notice to this effect is respectfully requested. Should further questions arise concerning this application, the Examiner is invited to call Applicant's attorney at the number listed below. Please charge any shortage in fees due in connection with the filing of this paper to Deposit Account 50-6350.

Respectfully submitted,
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